

STATE OF MICHIGAN  
IN THE SUPREME COURT

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ATTORNEY GENERAL BILL  
SCHUETTE, ON BEHALF OF THE  
PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

BOARD OF STATE CANVASSERS;  
CHRIS THOMAS, DIRECTOR OF  
ELECTIONS,

Supreme Court No. 154862

Defendants

and

JILL STEIN,

Intervening Defendant.

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MOTION TO DISQUALIFY CHIEF JUSTICE YOUNG AND JUSTICE LARSEN

NOW COMES Jill Stein, by and through her attorneys, Goodman Acker, P.C. and Emery, Celli, Brinckerhoff and Abady, LLP, and moves pursuant to MCR 2.003 to disqualify Chief Justice Young and Justice Larsen from participation in this case for the following reasons and grounds:

1. Chief Justice Young and Justice Larsen are on Donald Trump's "List of Potential Supreme Court Justices," attached hereto as Exhibit 1. Trump has said of the list: "This list is definitive and I will choose only from it in picking future Justices of the United States Supreme Court." Id

2. Chief Justice Young and Justice Larsen thus have a substantial personal and professional interest in the election of Trump as President and in conducting themselves in a way which is favorable to him and/or hostile to, among others, other candidates for President.
3. This litigation concerns the recount requested by Presidential candidate Jill Stein in the Michigan presidential election in which Trump was a candidate. Trump opposes Stein's recount request.
4. The litigation thus offers Chief Justice Young and Justice Larsen the opportunity to rule against Stein and hinder or stop her recount effort. That would create an appearance of impropriety for a Justice to rule in favor of a candidate for President who has promised to consider him or her for appointment to the Supreme Court.
5. Disqualification is required based on MCR 2.003(C)(1)(b) because there is a serious risk of actual bias respecting the rights of Stein as enumerated in Caperton v Massey, 556 US 868 (2009), and/or they have failed to adhere to the appearance of impropriety standard set forth in Canon 2 of the Michigan Code of Judicial Conduct.

For all of these reasons and grounds, Chief Justice Young and Justice Larsen should be disqualified from participating in this case.

Respectfully submitted,

GOODMAN ACKER, P.C.

/s/ Mark Brewer

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*\* Pro hac vice application to be submitted*

*Attorneys for Intervenor-Defendant-  
Appellee Jill Stein*

Dated: December 6, 2016

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IN THE SUPREME COURT

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Supreme Court No. 154862

Defendants

and

JILL STEIN,

Intervening Defendant.

AFFIDAVIT OF MARK BREWER

Mark Brewer, being first duly sworn, deposes and says that he is one of the attorneys for Jill Stein and he files this affidavit in support of the foregoing Motion to Disqualify Chief Justice Young and Justice Larsen, by him subscribed, and that the Motion includes all grounds for disqualification known to him at the time this Motion is filed.

*Mark Brewer*

Mark Brewer

Subscribed and sworn to before me  
this 6th day of December, 2016.

*Diane Payne*

Diane Payne, Notary Public  
Oakland County acting in Oakland  
County, State of Michigan. My  
commission expires: 5-15-18.

# EXHIBIT 1



POSITIONS

STATES

GET INVOLVED

MEDIA

SHOP

CONTRIBUTE

SCHEDULE

ABOUT

GALLERY

- SEPTEMBER 23, 2016 -

CATEGORIES

## DONALD J. TRUMP FINALIZES LIST OF POTENTIAL SUPREME COURT JUSTICE PICKS

NEW YORK, NY - Today Donald J. Trump released a second list of individuals he would consider as potential replacements for Justice Scalia at the United States Supreme Court. This group builds upon the highly praised list of choices he named in May 2016. These individuals were selected, first and foremost, based on constitutional principles, with input from respected conservative leaders.

Mr. Trump stated, "We have a very clear choice in this election. The freedoms we cherish and the constitutional values and principles our country was founded on are in jeopardy. The responsibility is greater than ever to protect and uphold these freedoms and I will appoint justices, who like Justice Scalia, will protect our liberty with the highest regard for the Constitution. This list is definitive and I will choose only from it in picking future Justices of the United States Supreme Court. I would like to thank the Federalist Society, The Heritage Foundation and the many other individuals who helped in composing this list of twenty-one highly respected people who are the kind of scholars that we need to preserve the very core of our country, and make it greater than ever before."

Keith Blackwell is a justice of the Supreme Court of Georgia. He was appointed to the position in 2012. He had previously served on the Court of Appeals of Georgia. Before serving on the bench, Justice Blackwell was a Deputy Special Attorney General of the State of Georgia, an Assistant District Attorney in Cobb County, and a commercial litigator in private practice. Justice Blackwell is a graduate of the University of Georgia School of Law.

Charles Canady is a justice of the Supreme Court of Florida. He has served in that role since 2008, and he served as the court's chief justice from 2010 to 2012. Prior to his appointment, Justice Canady served as a judge of the Florida Second District Court of Appeal and as a member of the United States House of Representatives for four terms. Justice Canady is a graduate of Yale Law School.

Neil Gorsuch is a judge of the United States Court of Appeals for the Tenth Circuit. He was appointed to the position in 2006. Judge Gorsuch previously served in the Justice Department as a Deputy Assistant Attorney General. Judge Gorsuch was a Marshall Scholar and received his law degree from Harvard. He clerked for Justices Byron White and Anthony Kennedy.

Mike Lee is the Junior U.S. Senator from Utah and currently serves on the Senate Judiciary Committee. He has previously served as an Assistant U.S. Attorney in Utah and as a Supreme Court Clerk for Justice Alito.

Edward Mansfield is a justice of the Iowa Supreme Court. He was appointed to the court in 2011 and retained by voters in 2012. Justice Mansfield previously served as a judge of the Iowa Court of Appeals. He also teaches law at Drake University as an adjunct professor. Justice Mansfield is a graduate of Yale Law School.

Federico Moreno is a judge of the United States District Court for the Southern District of Florida and a member of the Judicial Conference of the United States. He previously served as a state and county court judge in Florida. Judge Moreno is a graduate of the University of Miami School of Law.

VIEW ALL

STATEMENTS

ANNOUNCEMENTS

ENDORSEMENTS

ADS

ARCHIVE

NOVEMBER 2016

OCTOBER 2016

SEPTEMBER 2016

AUGUST 2016

JULY 2016

JUNE 2016

MAY 2016

APRIL 2016

MARCH 2016

FEBRUARY 2016

JANUARY 2016

DECEMBER 2015

NOVEMBER 2015

OCTOBER 2015

SEPTEMBER 2015

AUGUST 2015

JULY 2015

JUNE 2015

MAY 2015

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APRIL 2015

MARCH 2015

**Margaret A. Ryan** has been a judge of the U.S. Court of Appeals for the Armed Forces since 2006. Judge Ryan served in the Marine Corps through deployments in the Philippines and the Gulf War. She then attended Notre Dame Law School through a military scholarship and served as a JAG officer for four years. Judge Ryan clerked for Judge J. Michael Luttig of the Fourth Circuit and Justice Clarence Thomas.

**Amul Thapar** is a judge of the U.S. District Court for the Eastern District of Kentucky, serving since his appointment in 2007, when he became the first South Asian Article III judge. He has taught law students at the University of Cincinnati and Georgetown. Judge Thapar has served as an Assistant U.S. Attorney in Washington, D.C. and the Southern District of Ohio. Immediately prior to his judicial appointment, Judge Thapar was the U.S. Attorney for the Eastern District of Kentucky. Judge Thapar received his law degree from the University of California, Berkeley.

**Timothy Tymkovich** is the chief judge of the United States Court of Appeals for the Tenth Circuit. Judge Tymkovich was appointed to the bench in 2003. He previously served as Colorado Solicitor General. Judge Tymkovich is a graduate of the University of Colorado College of Law.

**Robert Young** is the chief justice of the Supreme Court of Michigan. He was appointed to the court in 1999, and became part of a majority of justices who embraced originalism and led what one scholar described as a "textualism revolution." Justice Young previously served as a judge on the Michigan Court of Appeals. Chief Justice Young is a graduate of Harvard Law School.

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The full list of the twenty-one individuals Mr. Trump will consider is below:

1. Keith Blackwell
2. Charles Canady
3. Steven Colloton
4. Allison Eid
5. Neil Gorsuch
6. Raymond Gruender
7. Thomas Hardiman
8. Raymond Kethledge
9. Joan Larsen
10. Mike Lee
11. Thomas Lee
12. Edward Mansfield
13. Federico Moreno
14. William Pryor
15. Margaret A. Ryan
16. Amul Thapar
17. Timothy Tymkovich

18. David Stras

19. Diane Sykes

20. Don Willett

21. Robert Young

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Next Release: ICYMI: WSJ: "CLINTON'S 65% KILLER DEATH TAX"

Previous Release: STATEMENT ON ADDITIONAL IMMUNITY DEALS IN CLINTON  
EMAIL SCANDAL

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